

**BEFORE
THE PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA
DOCKET NO. 2020-204-T – ORDER NO. 2021-____
_____,2021**

IN	Application of Rudy Ru’s Moving)	ORDER GRANTING CLASS E
RE:	Crew, LLC for a Class E)	HOUSEHOLD GOODS
	(Household Goods) Certificate of)	CERTIFICATE
	Public Convenience and)	STATEWIDE AUTHORITY
	Necessity for Operation of Motor)	
	Vehicle Carrier)	

I. INTRODUCTION

This matter comes before the Public Service Commission of South Carolina ("Commission") on the Application of Rudy Ru’s Moving Crew, LLC. (hereinafter referred to as "Rudy Ru" or the "Applicant"). By its Application, Rudy Ru requests a Class E Certificate of Public Convenience and Necessity ("CPCN") with authority to transport household goods statewide.

II. PROCEDURAL HISTORY

Rudy Ru filed its Application with the Commission on August 24, 2020. By letter dated September 12, 2020, the Clerk's Office of the Commission instructed Rudy Ru to publish the Notice of Filing (the "Notice") in newspapers of general circulation. Rudy Ru published a notice on August 31, 2020, but this notice differed from the notice furnished by the Clerk’s Office. On November 24, 2020, the Clerk's Office of the Commission provided Rudy Ru a new Notice and rescheduled the hearing on the application. The Notice provided information regarding the Application and advised any person who desired to participate as a party of record that a Petition to Intervene must be filed on or before December 31, 2020. Notice was timely published. No person intervened as a party of record.

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The evidentiary hearing was held virtually on February 3, 2021, with the Honorable Florence P. Belser presiding. Applicant was represented by Charles Terreni, Esquire. The South Carolina Office of Regulatory Staff ("ORS"), a party of record pursuant to S.C. Code Ann. § 58-41-10(B) (Supp. 2019), was represented by Alexander W. Knowles, Esquire.

III. EVIDENCE OF RECORD

Rudy Ru is a South Carolina limited liability company corporation formed on June 9, 2019. The company's principal officer is Demari Rudolph. Rudy Ru called Mr. Rudolph as a witness. Mr. Rudolph is a graduate of White Knoll High School. He attended Mars Hill University and Midlands Technical College. He worked for United Parcel Service ("UPS") for three years, first as a loader and later as a supervisor. He is presently employed by Landmark Financial Services as a Branch Manager Trainee.

Mr. Rudolph gained moving experience with UPS, where he learned to safely move and carry heavy objects. He also has experience supervising employees with UPS and his current employer.

Mr. Rudolph has shopped for trucks and plans to purchase a 26 ft and a 15 ft. truck after Rudy Ru receives a CPCN. At the hearing, Rudy Ru introduced into evidence a quote for \$1,000,000 in liability insurance and \$25,000 in cargo insurance. Rudy Ru will have two full-time employees and two part-time employees. Rudy Ru trains will train employees with videos and on-the job instruction.

Mr. Rudolph believes South Carolina's rapid population growth will provide an opportunity for his household goods moving business. Rudy Ru will market its services in South Carolina through a website, social media, billboards, radio, and other marketing initiatives.

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Rudy Ru plans to grow the business over the next five (5) years, by adding trucks and employees. The company plans to open an office in Charlotte and wants to add more locations in South Carolina.

Mr. Rudolph testified there are no outstanding judgments against him or Rudy Ru. Further, Rudy Ru is familiar with all statutes and regulations governing for-hire motor carrier operations in South Carolina, including the Commission's regulations regarding insurance requirements.

On December 14, 2020, Applicant moved to present shipper witness testimony of Benjamin McCarter by declaration. The Hearing Officer granted this request by Order No. 2020-134-H. Mr. McCarter is a real estate agent with Mac's Real Estate Services. He has worked in the Columbia area since 2016. Mr. McCarter testified South Carolina's housing market is strong. Mr. McCarter is frequently asked to recommend movers of household goods, and it can be difficult to find qualified movers who are dependable and experienced. He would like to add Rudy Ru to the list of companies she recommends for moving services and believes the public interest would be served by granting Rudy Ru' Application.

On January 26, 2021, Rudy Ru moved for an exemption from the requirements of Rule 103-198, which states:

Unless otherwise specifically exempted by the commission, no motor carrier operating under a Certificate of PC&N shall charge, demand, collect, or receive, or cause or permit its agent, servants, or employees to charge, demand, collect, or receive a greater or lesser or different compensation for transportation, or for any service rendered, than the rates, fares, and charges specified in the lawfully applicable tariffs or schedules in effect from time to time; and no motor carrier shall refund or remit in any manner or by any device, directly or indirectly, any portion of the rates, fares, or charges so specified, or extend to any person any privileges, facilities, or services, or do or perform any service, or give, remit, or refund anything of value except in accordance with said lawful tariffs and schedules, or specific order by the commission.

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S.C. Code Ann. Regs. 103-198 (2012).

Rudy Ru requests the exemption so it may offer its customers a "Binding Estimate" for moves as detailed in Rider No. 1 to its proposed Tariff. Under Rider No. 1, Rudy Ru would offer a Binding Estimate before the move is undertaken, calculated based on the rates and charges in Rudy Ru's Tariff. Rudy Ru argues the Binding Estimate would give the customer the certainty of knowing the cost of the move from the outset. Rudy Ru would assume the risk the move would take more time or equipment than anticipated but would benefit if it could be accomplished with less than anticipated. ORS did not object to Rudy Ru's motion. For the reasons discussed in this Order, the Commission grants the motion for an exemption from Regulation 103-198.

ORS did not prefile direct testimony. By letter dated February 2, 2021, ORS stated it is "of the opinion that the Applicant will meet the requirements of fit, willing and able as required of a Household Goods Mover under the provisions of S.C. Code Ann. Regs. 103-133 (2012)."

IV. LAW

The Commission is charged with promulgating regulations to govern the operations of carriers of household goods. S.C. Code Ann. § 58-23-590(A). The Commission is authorized to fix or approve just and reasonable rates, fares, and charges upon a showing that the applicant is fit, willing, and able to appropriately perform the proposed service and that public convenience and necessity are not already being served in the territory by existing authorized service. S.C. Code Ann. § 58-23-1010 (2015); S.C. Code Ann. Regs. 103-133(1) (2012); S.C. Code Ann. Regs. 103-192 (2012). S.C. Code Ann. Regs. 103-133 (2012) is entitled "Proof Required to Justify Approving an Application" and for household

goods applications, provides as follows:

- a. **FIT.** The applicant must demonstrate or the commission determines that the applicant's safety rating is satisfactory. This can be obtained from U.S.D.O.T. and S.C.D.P.S. safety records. Applicants should also certify that there are no outstanding judgments pending against such applicant. The applicant should further certify that he is familiar with all statutes and regulations, including safety operations in South Carolina, and agree to operate in compliance with these statutes and regulations.
- b. **ABLE.** The applicant should demonstrate that he has either purchased or leased on a long-term basis necessary equipment to provide the service for which he is applying. Thirty days or more shall constitute a long-term basis. The applicant must undergo an inspection of all vehicles and facilities to be used to provide the proposed service. The applicant should also provide evidence in the form of insurance policies or insurance quotes, indicating that he is aware of the commission's insurance requirements and the costs associated therewith. Additionally, the applicant can file a statement indicating the applicant's purpose for seeking a Class E Certificate, the applicant's 5-year plan if the commission grants the applicant a Class E Certificate, and such other information that may be contained in a business proposal.
- c. **WILLING.** Having met the requirements as to "fit and able," the submitting of the application for operating authority would be sufficient demonstration of the applicant's willingness to provide the authority sought.

(emphasis added) S.C. Code Ann. Regs. 103-133(1) (2012).

V. **DISCUSSION**

Based upon the evidence of record, Rudy Ru has demonstrated it is fit, willing, and able to provide and properly perform the proposed services. Mr. Rudolph testified there are no outstanding judgments pending against Applicant and certified Rudy Ru is familiar with and will comply with all statutes and regulations governing for-hire motor carrier services. This satisfies the "fitness" requirement.

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"Able" was demonstrated by Applicant's plans to purchase vehicles. Applicant has also provided insurance quotes, which indicates Applicant is aware of the Commission's insurance requirements and the costs associated therewith. Further, Applicant has experience as a household goods mover.

Having demonstrated Rudy Ru is "fit" and "able" to provide the proposed service, filing the Application satisfies the "willing" requirement.

Applicant has also met the public convenience and necessity requirement. Mr. McCarter, a real estate agent of five years, testified as to the difficulty he encounters when recommending movers who are dependable and experienced.

The Commission also agrees with Rudy Ru that some customers would benefit from the certainty provided by a Binding Estimate. In reaching this conclusion, the Commission notes the safeguards provided in Rudy Ru's proposed Rider No. 1. Among these safeguards, Rudy Ru will provide customers a Binding Estimate five days before a move. Rudy Ru will maintain copies of the Binding Estimates on file for five years and make them available to the ORS for inspection. By incorporating the Binding Estimate into its tariff, Rudy Ru is making it subject to the Commission's regulation, which has so far not been the case with non-binding estimates provided by household goods movers. Also, a customer would not be required to have their move billed by Binding Estimate. If the customer prefers, before undertaking the move she could opt to be billed at the tariffed rates based on the actual time and labor expended for the move.

VI. FINDINGS OF FACT

The Commission finds there are no outstanding judgments pending against Rudy Ru. Further, Applicant is familiar with and agrees to comply with all statutes and

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regulations governing movers of household goods. Rudy Ru is fit to appropriately perform the service described in its Application.

1. The Commission finds Rudy Ru plans to purchase a vehicle to provide the service described in its Application. Further, Rudy Ru supplemented its Application with an insurance quote. Rudy Ru is able to appropriately perform the service described in its Application.

2. The Commission finds that by submitting its Application, Rudy Ru has demonstrated it is willing to appropriately perform the proposed service.

3. The Commissions finds that public convenience and necessity are not already being served by existing authorized services.

4. The Commission finds an exemption from S.C. Code Ann. Reg. 103-198 (2012) is the public interest.

VI. CONCLUSIONS OF LAW

1. The Commissions concludes that Rudy Ru has demonstrated it is fit, willing, and able to appropriately perform the service described in its Application. S.C. Code Ann. Regs. 103-133(1) (2012).

2. The Commission concludes that the public convenience and necessity are not already being served by existing authorized service. S.C. Code Ann. Regs. 103-133(1) (2012).

3. The Commission concludes that a Class E (Household Goods) Certificate of Public Convenience and Necessity should be granted to Rudy Ru.

4. The Commission concludes Rudy Ru should be granted an exemption from S. C. Code Ann. Reg. 103-198 and approves Rider No. 1.

ORDERING PROVISIONS

IT IS THEREFORE ORDERED:

4. The Application of Rudy Ru' Moving Crew, LLC for a Class E (Household Goods) Certificate of Public Convenience and Necessity is approved for the Applicant to transport household goods to points and places throughout South Carolina.

1. Rudy Ru' Tariff and Bill of Lading, including Rider No. 1, are approved and attached hereto as Order Exhibits 1 and 2, respectively.

2. Applicant shall file with the Office of Regulatory Staff the proper insurance, safety rating, and other information required by S.C. Code Ann. § 58-23-10 et seq., as amended, and by S.C. Regulations 103-100 through 103-241 of the Commission's Rules and Regulations for Motor Carriers, and S.C. Regulations 38-400 through 38-503 of the Department of Public Safety's Rules and Regulations for Motor Carriers, as amended, within ninety (90) days of the date of this Order, or within such additional time as may be authorized by the Commission.

3. Upon compliance with S.C. Code Ann. § 58-23-10 et seq., and the applicable Regulations for Motor Carriers, a Certificate will be issued by ORS authorizing the motor carrier services granted herein.

4. The motor carrier's services authorized by this Order may not be provided prior to compliance with the above-referenced requirements and receipt of a Certificate.

5. Failure of Applicant to either (1) complete the certification process by complying with ORS requirements within ninety (90) days of this Order, or (2) to request and obtain from the Commission additional time to comply with the requirements stated above, will cause this Order granting the Application to be null and void, and the

Application will be dismissed without prejudice. No further order of this Commission is necessary.

8. Should Applicant fail to meet the requirements of this Order, ORS is requested to furnish the name and docket number of Applicant to the Commission, pursuant to the two-month reporting requirement contained in Order No. 2014-443 (May 21, 2014). If such notification is provided, the docket will be closed.

9. This Order shall remain in full force and effect until further order of the Commission.

BY ORDER OF THE COMMISSION

Florence P. Belser, Vice-Chairman
Public Service Commission of
South Carolina